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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,546	12/26/2000	Ichiro Okajima	201339US2	8730

22850, 7590 08/09/2004

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ALEXANDRIA, VA 22314

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No:**

09/745,546

**Applicant(s)**

OKAJIMA ET AL.

**Examiner**

George Eng

**Art Unit**

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 18-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8, 18, 19 and 21-35 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/2004 (paper no. 16) has been entered.

### ***Response to Amendment***

2. This Office action is in response to the amendment filed 4/15/2004 (paper no. 13).

### ***Claim Objections***

3. Claims 18, 34 and 35 is objected to because of the following informalities: the limitation "a first terminal" should be --a first communication device--, and the limitation "a second terminal" should be --a second communication device--, in order to unify the claimed limitations. In addition, it would be more clarify if the claims further define --wherein each of the first communication device and the second communication device is one of the plurality of communication devices--. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5-8, 18-19, 21-32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riffie (US PAT. 5,675,375) in view of Smith et al. (US PAT. 6,219,409 hereinafter Smith).

Regarding claim 18, Riffie discloses an apparatus (100, figure 1) for configuring a virtual terminal that including a plurality of communication devices (12 and 16, figure 1) accessible to the apparatus comprising a signal interface unit (122, figure 2) configured to receive a calling signal from a calling terminal, the calling signal including at least a first content part, i.e., voice, and a second content part, i.e., video, the second content part containing information of different media content than the first content part (col. 9 lines 11-23), an information separating unit (120,

Art Unit: 2643

figure 2) configured to separate the first content part from the second content part of the calling signal (col. 4 line 56 through col. 5 line 20), and a virtual terminal interface (112 and 116, figure 2) configured to send information corresponding to the first content part to a first communication device, i.e., a telephone, and to send information corresponding to the second content part to a second communication device, i.e., a television, in order to providing video and audio communication (col. 3 line 52 through col. 4 line 55). Riffie differs from the claimed invention in not specifically teaching the apparatus comprising a terminal management unit configured to identifying communication attributes of the plurality of communication devices accessible to the terminal management unit and identifying which of the plurality of device are capable of processing information corresponding to at least one of the first content part and the second content part so that the virtual terminal interface sends information corresponding to the first content part to the first communication device identified by the terminal management unit as being capable of processing the information of the first content part, and sends information corresponding to the second content part to the second communication device identified by the terminal management unit as being capable of processing the information of the second content part. However, Smith discloses a premise gateway for connecting a subscriber's premises and a plurality of different transmission media to network devices and host systems on a network comprising a processing unit (186, figure 9) communicating with network interface cards and PNI communication cards (col. 12 lines 19-24), wherein the processing unit is configured to identify communication attributes of a plurality of communication devices accessible to the processing unit and identify which of the plurality of communication devices are capable of processing information corresponding to a call type, i.e., data call or voice call, thereby sending

Art Unit: 2643

information corresponding to the call type to a respective communication device identified by the processing unit in order to communicate with devices at the subscriber's premises using different transmission media and protocols (col. 12 line 34 through col. 13 line 34, col. 18 lines 34-45 and col. 20 lines 11-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Riffie in having the terminal management unit configured to identifying communication attributes of the plurality of communication devices accessible to the terminal management unit and identifying which of the plurality of device are capable of processing information corresponding to at least one of the first content part and the second content part so that the virtual terminal interface sends information corresponding to the first content part to the first communication device identified by the terminal management unit as being capable of processing the information of the first content part, and sends information corresponding to the second content part to the second communication device identified by the terminal management unit as being capable of processing the information of the second content part, as per teaching of Smith, in order to make user friendly by communicating with devices at the subscriber's premises using different transmission media and protocols.

Regarding claim 5, Riffie teaches a format conversion mechanism configured to convert the at least one of the first content part and the second content part into corresponding items of information coded according to respective information coding schemes employed in the respective communication devices (col. 4 lines 31-55).

Regarding claim 6, Smith discloses to identify one of the devices based on communication attributes (col. 14 lines 35-39 and col. 15 liens 1-14) so that the communication

Art Unit: 2643

attributes obviously including information indicating predetermined communication abilities of the plurality of communication devices.

Regarding claim 7, Riffie teaches to compress and expand the at least one of the first content part and the second content part (col. 6 lines 38-51).

Regarding claim 8, Smith discloses to suppress access to any of the devices at the subscriber premises until the processing unit determines whether the incoming call is intended to one of the devices depending on ringing pattern, special tones or caller ID of the incoming call (col. 14 line 62 through col. 15 line 5) so that one skill in the art would recognize Smith teaches to filter the respective transmission media in accordance with communication abilities of the respective communication devices identified by the processing unit based upon communication attributes.

Regarding claim 19, Riffie discloses the calling signal is at least one of a multi-media signal, a communication session signal and a video conferencing signal (col. 3 lines 59-61).

Regarding claim 21, Smith discloses a conversion mechanism configured to convert a signal scheme of the first content part into another signal scheme, wherein the processing unit is configured to identify the first terminal as being capable of processing data in another format (col. 17 lines 5-28).

Regarding claims 22-23, Riffie discloses the first content part including digital data that is representative of an audio signal, and the second content part including digital data that is representative of a video signal (col. 4 lines 31-55).

Regarding claims 24-25, Smith discloses the premise gateway including a radio communication interface (184, figure 9) and a network interface 176, figure 9).

Art Unit: 2643

Regarding claim 26, Riffie discloses the first communication device being a telephone (col. 3 lines 55-65), and Smith discloses the first communication device being at least one of a cell phone (206, figure 9), a personal computer (208, figure 9), and a videophone (216, figure 9).

Regarding claim 27, the examiner takes an Official notice that it is old and notoriously well known in the art of converting data from a first MPEG format to a second MPEG format in order to improve the compatibility between communication devices.

Regarding claim 28, Smith teaches to extract information, i.e., command signal, from the first content part so as to reduce an amount of the information that sends to the first communication device (col. 17 liens 29-45).

Regarding claim 29, Riffie discloses the information that corresponding to the first content part being a digital representation of a voice signal, an image, a character and a numeral value (col. 2 lines 18-24).

Regarding claim 30, Riffie discloses information separating unit (120, figure 9) being at least partially implemented in software executed by a processor (col. 6 lines 31-34)

Regarding claim 31, Smith discloses the processing unit (186, figure 9) being at least partially implemented in software executed by a processor (col. 14 lines 30-35).

Regarding claim 32, Riffie teaches the calling terminal initiating a communication session by sending the calling signal to the signal interface (col. 3 line 52 through col. 4 line 10).

Regarding claims 34-35, the limitations of the claims are rejected as the same reasons set forth in claim 18.



Art Unit: 2643

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riffée (US PAT. 5,675,375) in view of Smith et al. (US PAT. 6,219,409 hereinafter Smith) as applied in claim 18 above, and further in view of Lu (US PAT. 6,100,918).

The combination of Riffée and Smith differs from the claimed invention in not specifically teaching that the first communication device and the second communication device do not initiate a communication session with the calling terminal. However, Lu discloses a video conferencing system comprising a first communication device (28, figure 1), a second communication device (32, figure 1) and a calling terminal (22, figure 1), wherein the first communication device and the second communication device do not initiate a communication session with the calling terminal, instead the first communication device sends a service request to the calling terminal for initiating the communication session, thereby providing for efficient and convenient video conferencing in which only one way transmission of video is required. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Riffée and Smith in having the first communication device and the second communication device not initiating a communication session with the calling terminal, as per teaching of Lu, in order to provide for efficient and convenient video conferencing in which only one way transmission of video is required.

***Allowable Subject Matter***

7. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims 5-8 and 18-35 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barracough (US PAT. 6,163,335) discloses a multimode video conferencing arrangement with the capability to automatically determine whether a videoconferencing call or conventional telephone call is being initiated (abstract). Sugiyama (US PAT. 5,392,284) discloses a multi-media communication including a first communication device for communicating a first information at a plurality of communication rates and a second communication device for communicating a second information different from the first information at the plurality of communication rates (abstract). Shibata (US PAT. 5,477,546) discloses a teleconference terminal to construct an AV meeting (col. 2 line 24 through col. 3 line 8). Ko (EP 0674420A1) discloses an independent switched voice and data call using a SVD modem (abstract).

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

Art Unit: 2643

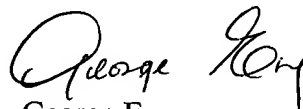
(703) 872-9306 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



George Eng  
Primary Examiner  
Art Unit 2643